

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5772 of 2019**

- Rajendra Dhritlahre S/o - Dukalu Dhritlahre Aged About 28 Years R/o - Mata Devalay Ward, Bhatapara, Police Station Bhatapara City, Tahsil And District Balodabazar-Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Bhatapara (City) , District Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Jhavar, Advocate.
For Respondent/State	: Shri Sushil Sahu, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**17/09/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 123/2019, registered at Police Station – Bhatapara (City), District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 376 ँ, 377, 506 & 34 of Indian Penal Code.
2. In this case there are two accused persons. Age of the prosecutrix at the relevant time was about 35 years. On 16.03.2019, prosecutrix made a report in police station alleging therein that on 15.03.2019 when she was returning back from Raipur to Bhatapara, allegedly, present Applicant and co-accused Md. Sabbir Quereshi forcefully took her near railway crossing and committed forcible intercourse and unnatural sex with her. On the basis of the said report, offence has been registered against the Applicant and co-accused Md. Sabbir. Applicant has been arrested on 16.03.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that prosecutrix has already been examined before the trial Court and she has not supported the case of the prosecution with regard to present Applicant. Prosecutrix has categorically stated that present Applicant has not committed any wrong act with her. Applicant is in custody since 16.03.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 16.03.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge